

Appl. No. : 10/066,302
Filed : January 30, 2002

REMARKS

Prior to entry of the foregoing amendments, Claims 1-39 were pending, of which Claims 5-7, 9, 10, 15, and 16 have been withdrawn. Pursuant to the foregoing amendments, Claims 4 and 33-37 have been cancelled. Accordingly, Claims 1-3, 8, 11-14, 17-32, 38, and 39 are pending for consideration. The following remarks are formatted with numbers corresponding to the numbering scheme employed by the Examiner in the Office Action and are used for convenience in responding to the Office Action.

Affirmation of Election

1. Applicant affirms the election of Species (1)(d), (2)(c), and (3)(a) in Paper No. 12, and notes that upon allowance of a generic claim, dependent claims directed to other species will be reentered into the application. Applicant acknowledges that the Examiner currently believes claims 1, 20, 33, and 38 are generic, as indicated in the Restriction Requirement mailed October 3, 2003.

Amendments to the Specification and Drawings

2. Applicant has amended paragraph [0001] of the specification to update the priority claim.

3. Applicant is submitting a proposed amendment to Figure 5 to replace reference numeral "114" with "115." Applicant has submitted replacement sheets to amend the drawings. Applicant has further amended paragraph [0106] to reflect this change to Figure 5.

4. Applicant proposes to amend Figure 15E to add the reference numeral "15F." While the section lines are shown in Figure 15E, the reference to 15F was omitted inadvertently. Applicant has submitted a replacement sheet to amend Figure 15E.

5. Applicant has amended paragraph [0111] to add reference to the numeral "218" which was shown in Figure 11A but not included in the written description.

6. Applicant is submitting a proposed amendment to Figure 20 to replace reference numeral "402" with "408." The proper numbering is reflected in the specification, such as at paragraph [0161], line 3.

7. The Examiner objects to the drawings because they do not show every feature of the invention specified in the claims. The Examiner points to Claims 37 and 33 which claim subject matter the Examiner alleges is not shown in the Figures. However, Applicant has canceled Claims 37 and 33, thereby mooted this objection.

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8. The specification has been objected to as failing to provide proper antecedent basis for the claimed subject matter. Specifically, the Examiner alleges that the specification does not support the language of Claim 18. To further prosecution, Applicant has amended paragraphs [0081] and [0093] to obviate this objection. The subject matter of Claim 18 was original to the application, and was therefore part of the original disclosure. Thus, amending the specification in this manner does not add new matter to the application.

In addition, the Examiner alleges that the specification does not provide support for the subject matter of Claim 19 which recites a “maximum cross sectional dimension through the apparatus being no more than about 10 mm.” To further prosecution, Applicant has amended paragraph [0093] to provide additional support for this subject matter. Claim 19 was original to the application and part of the disclosure, and therefore, this amendment does not add new matter.

9. (a) Paragraph [0030] has been amended to include a brief description of FIG. 2A.
(b) Paragraph [0050] has been amended to change “Figure E” to read “Figure 15E”.
(c) Paragraph [0139] has been amended to replace “Figure 2H” with “Figure 15H.”
(d) Paragraph [0146] has been amended to replace “Figure 15B” with “Figure 18B.”
(e) Paragraph [0136] has been amended to replace “forming elements 320” with “forming elements 365, 375, 385.”

Claim Rejections 35 U.S.C. § 112

10. Claims 33-35 and 37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant disagrees with the Examiner concerning the merits of the rejection; however, to facilitate allowance, Applicant has canceled claims 33-35 and 37, thereby rendering this rejection moot.

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Claim Rejections

Claims 1-3, 11-14, 17-19

Claims 1, 11-14 and 17-19 are rejected under 35 U.S.C. § 102(e) as being anticipated by Solem et al., U.S. Patent No. 6,210,432 ("Solem"). In addition, Claims 1-3, 12-14, 18 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wilson et al. (USPN 6,569,198) in view of Paskar (USPN 5,304,131). Finally, Claims 11 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wilson et al. in view of Paskar, and further in view of Solem et al. Applicant disagrees with the Examiner concerning the merits of the rejection, but in view of the cancellation to facilitate allowance, Applicant believes the pending claims are in condition for allowance, and respectfully requests the same.

Applicant acknowledges the Examiner's indication that Claim 4 would be allowable if rewritten in independent form including the limitations of the rejected base claim and any intervening claims. To further prosecution, Claim 1 has been amended by incorporating the subject matter of allowable Claim 4. Accordingly, Applicant submits that Claim 1 is allowable over the prior art, as indicated by the Examiner and Applicant requests immediate allowance of Claim 1. In addition, the Claims that depend from Claim 1 are also in condition for allowance both because they depend from allowable Claim 1 and because they each recite a unique combination of features not taught or suggested by the prior art of record, either alone or in combination.

Claims 33-35 and 37

Claims 33-35 and 37 are rejected under 35 U.S.C. § 102(e) as being anticipated by Gabbay. Applicant disagrees with the Examiner concerning the merits of the rejection, nevertheless, Claims 33-35 and 37 have been canceled from the pending application to facilitate allowance, and thus, this rejection is now moot.

Allowable Subject Matter

Applicant acknowledges and thanks the Examiner for the indicated allowability of Claims 20-32, 38 and 39, and additionally Claims 4 and 8 if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As indicated above, Claim 1 has been amended by incorporating the subject matter of Claim 4 and is thus presumably in condition for allowance. Upon allowance of Claim 1,

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Applicant requests that withdrawn Claims 5-7, 9, 10, 15 and 16 be brought back into the application. In anticipation of the reentry of the withdrawn claims, the dependancy of Claims 5, 6, 7, 9, and 10 has been amended herein.

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CONCLUSION

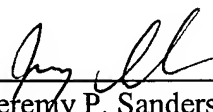
Applicant has endeavored to respond to each of the issues raised by the Examiner and respectfully submits that the foregoing amendments put the application in a condition that satisfies all the requirements for patentability. Accordingly, Applicant solicits a prompt notice of allowance. However, if there remain pending issues that could be resolved via a telephone conference, Applicant invites the Examiner to initiate the same with Applicant's representative at the telephone number shown below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 1 April 2002

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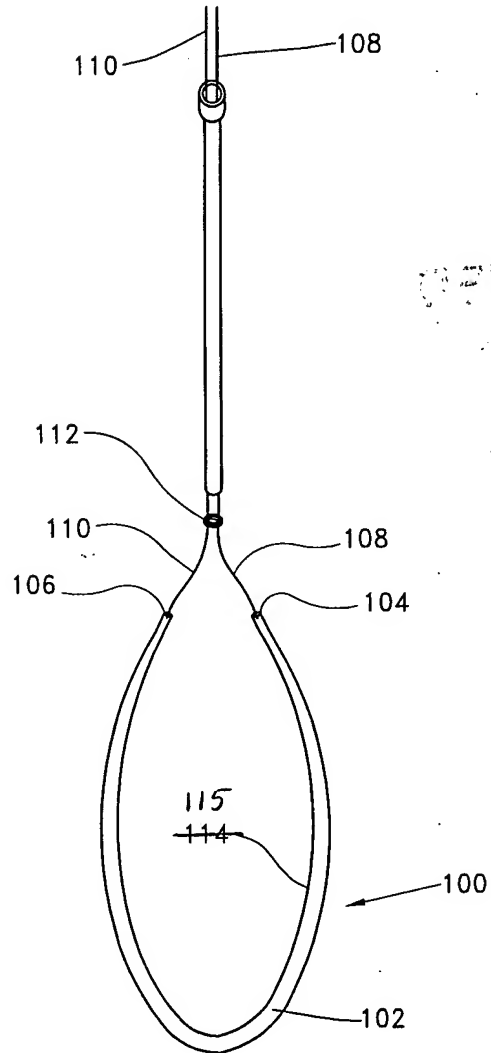


FIG. 5

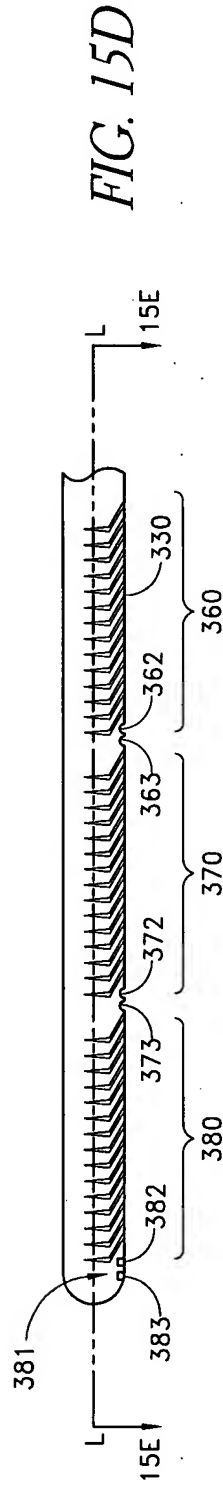


FIG. 15D

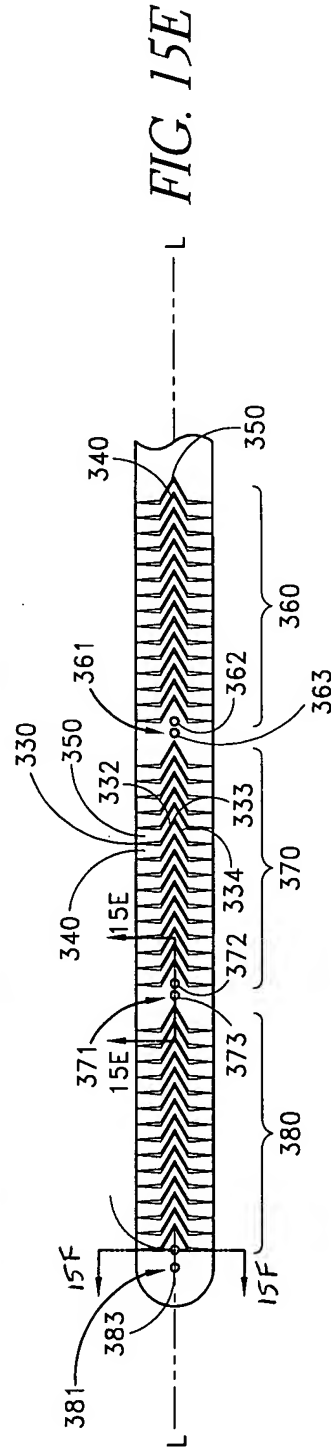


FIG. 15E

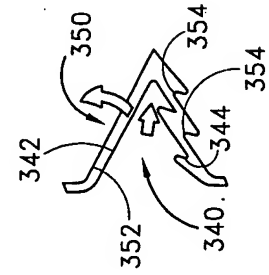


FIG. 15H

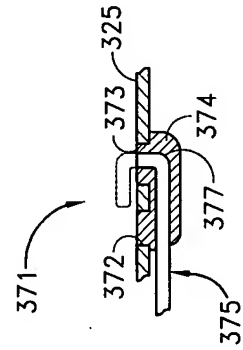


FIG. 15G

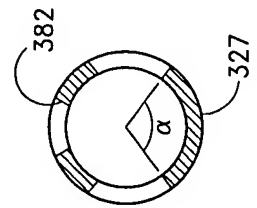


FIG. 15F

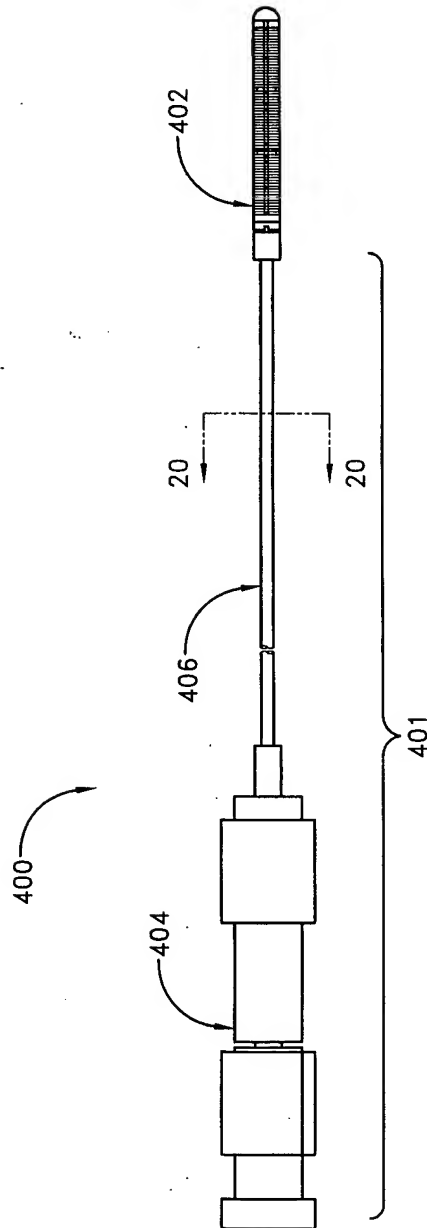


FIG. 19

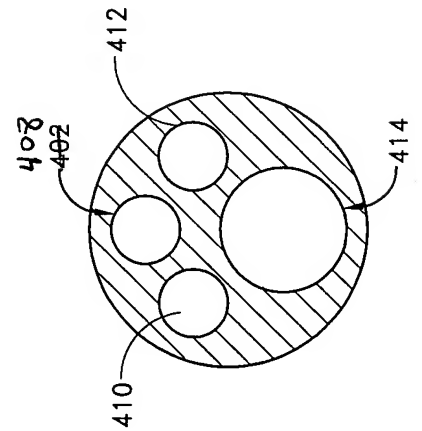


FIG. 20